

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

SERVO CORPORATION OF AMERICA, INC.,

Case No. 12-76993-AST
Chapter 7

Debtor.

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Allan B. Mendelsohn, as Chapter 7 Trustee of the
estate of Servo Corporation of America, Inc.,

Adv. Proc. No. 14-08048-AST

Plaintiff,

-against-

Stephen A. Barre and Charles S. Holmes,

Defendants.

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INITIAL SCHEDULING ORDER
(Answer with Jury Demand)

The Court enters this order in accordance with Federal Rule of Civil Procedure 16, as incorporated by Federal Rule of Bankruptcy Procedure 7016 and E.D.N.Y. LBR 7016-1. It is hereby **ORDERED** as follows:

1. The parties are ordered to attend a conference (in person or by telephone) under Federal Rule of Bankruptcy Procedure 7026(f) on or before **June 21, 2014**. The parties shall discuss a Joint Discovery Control Plan (the "Discovery Plan"), which the parties are to file on or before **July 21, 2014**, and which shall provide the following:

- (A) whether any Rule 26 disclosures have been served;
- (B) whether any party intends to or has employed any expert witnesses;
- (C) the date by which all discovery shall be complete;
- (D) the amount of time each party requests to present all of their evidence and argument at trial, which shall include presenting its case in chief and any rebuttal case, and any opening and closing statements; and
- (E) a proposed trial date.

In the event the parties cannot agree on A through E, they shall so indicate in the Discovery Plan, and shall each state their positions under A through E. In the event any of the parties cannot state a response on any portion of A through E, they shall so indicate in the Discovery Plan, shall state their reason(s) therefore, and shall state when they will be able to state their response(s).

2. On or before **July 21, 2014**, each party is to file and serve a statement as to whether each, claim, counterclaim, cross claim and third party claim, as applicable, is core or non-core, and whether the pleader does or does not consent to entry of final orders or judgments, pursuant to Federal Rule of Bankruptcy Procedure 7008(a).

3. On or before **July 21, 2014**, each party is to file and serve a statement of consent or non-consent to trial by jury before this Court, pursuant to Federal Rule of Bankruptcy Procedure 9015(b). If a party files a statement of non-consent, it must also file and serve a motion to strike the jury demand and memorandum of law in support, pursuant to LBR 9013-1.

4. On or before **August 4, 2014**, each party is to file and serve its response to any timely filed motion to strike that party's jury demand .

No further pleadings on the matters addressed under paragraphs 2 through 4 are required or permitted.


5. A status conference is scheduled for **August 19, 2014, at 2:00 p.m.** in Courtroom 960, United States Bankruptcy Court, Central Islip, New York. The Court may rule on any of the matters addressed herein or on any other timely filed and served motions, including dispositive motions, at or prior to the status conference.

6. Failure to strictly comply with any of the provisions of this Order may result in the automatic entry of a dismissal or a default as the circumstances warrant in accordance with Federal Rule of Civil Procedure 16, as incorporated by Federal Rule of Bankruptcy Procedure 7016.

7. The Court's Order to Show Cause to Dismiss Case for Failure to Prosecute [dkt item 5] is hereby marked off calendar.

Dated: May 22, 2014
Central Islip, New York




Alan S. Trust
United States Bankruptcy Judge